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PUBLIC NOTICE OF APPEAL

TO: All Interested Parties
FROM: S.C. Department of Health and Environmental Control
SUBJ: Island West Associates
07-04-02-04-NJW / SAC-26-96-4238-G
DATE: October 27, 2006

The Department has denied a request to amend the restrictive covenants associated with the Coastal Zone Consistency Certification for Island West Associates (John Dempsey Shelbourne), in Bluffton, Beaufort County.

Island West Associates, Inc., has requested a contested case hearing before the Administrative Law Court.

Intervenors: A motion for leave to intervene, with the \$25 filing fee, shall be filed with the South Carolina Administrative Law Court, Edgar A. Brown Building, 1205 Pendleton Street, Suite 224, Columbia, South Carolina 29201, (telephone 734-0550) and served on all parties and shall state the grounds for the proposed intervention, the position and interest of the proposed intervenor, and the possible impact of the intervention on the proceedings. A proposed answer or position in intervention shall be attached to the motion.

Any person may intervene in any pending contested case hearing upon a showing that:

- (1) the movant will be aggrieved or adversely affected by the final order;
- (2) the interests of the movant are not being adequately represented by existing parties, or that it is otherwise entitled to intervene;
- (3) that intervention will not unduly prolong the proceedings or otherwise prejudice the rights of existing parties.

The motion for leave to intervene shall be filed as early in the proceedings as possible to avoid adverse impact on the existing parties or the disposition of the proceedings. Unless otherwise ordered by the administrative law judge, the motion to intervene shall be filed at least twenty (20) days before the hearing. Any later motion shall contain a statement of good cause for the failure to intervene earlier.

A person granted leave to intervene is a party to the proceeding. The intervenor shall be bound by any agreement, arrangement or other matter previously determined in the case. The order granting intervention may restrict the issues to be raised or otherwise condition the intervenor's participation in the proceeding. If appropriate, the administrative law judge may order consolidation of petitions and briefs and limit the number of representatives allowed to participate in the proceedings.

Van Whitehead
Staff Attorney

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Office of General Counsel

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C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

PUBLIC NOTICE TO ALL INTERESTED PARTIES Expedited Review Program Pilot Study

Legislation (Section 44-1-165 of S.1263) was passed that allows the South Carolina Department of Health and Environmental Control (the Department) to pilot an Expedited Review Program (ERP). The program chosen for the pilot study was Stormwater Permitting with the pilot scheduled to start on **November 1, 2006**. During the pilot period, the Department will adjust staffing levels to accommodate the demand for expedited review. Applicants desiring consideration for the expedited review program should indicate by checking the box above Item # 1 on DHEC Form 2617 (7/2006)-Notice of Intent (NOI) for discharges from Large and Small Construction Activities, NPDES General Permit SCR100000. NOI's must be administratively complete in order to be considered for the program.

The mission and goal of this pilot study is to have a project reviewed no later than 10 business days after its chosen review date. Projects selected for the expedited program in the Coastal Zone must comply with the necessary public notice requirements. For a project to be eligible for the program in the week in which it was received, it must be receipt stamped by the Department, and administratively complete by the close of business on Tuesday. On Thursday, a random selection of eligible projects will be conducted utilizing the Department's computer tracking system and the plan preparer notified of the selection to schedule a meeting early the following week. The number of Department staff available for expedited review will determine the number of projects selected. The Department reserves the right to give priority to projects that are Low Impact Development (LID) projects.

The following projects will be ineligible for expedited review:

- a. Projects that require, but do not have their wetlands/Waters of the State Permits from the Corps of Engineers.
- b. Projects with potential impacts to impaired water bodies (303d).
- c. Projects with impacts to Navigable Waters that do not already have a Navigable Waters Permit.
- d. Projects that are reviewed by delegated entities or MS4s.
- e. Projects that are under a Cease & Desist order.
- f. Projects that are under a compliance order.

When available additional information on the stormwater permitting expedited review pilot program can be found at www.scdhec.gov/stormwater

CERT 43-06
October 27, 2006
PUBLIC NOTICE

S. C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT
COASTAL ZONE MANAGEMENT CONSISTENCY CERTIFICATION

In accordance with the S. C. Coastal Zone Management Act of 1977, as amended, Chapter V, S. C. Coastal Zone Management Program Document and the S. C. Administrative Procedures Act, the following projects have been received for determination of consistency with the S. C. Coastal Zone Management Program. Information on the Projects is available for public inspection at the:

*Office of Ocean and Coastal Resource Management
S. C. Department of Health and Environmental Control
1362 McMillan Avenue, Suite 400
Charleston, South Carolina 29405*

Comments must be received within ten days of the date of this public notice by November 11, 2006. The following projects are listed by project name or applicant, location, type of activity, type of permit, and permitting agency (see attached list of abbreviations and keys)

Beaufort County

Storm Water Corrective Actions, MCAS Beaufort, Permit ID# 07-06-10-06, Permit Number SCR10E443, TMS# N/A, located off of the Marine Corps Air Station, OCRM (SW)
Palmetto Bluff, Phase 2 Construction Road, Permit ID# 07-06-10-11, Permit Number SCR10E518, TMS# R610-045-000-0019-0000, located off of SC Highway 46, Bluffton, OCRM (SW)

Charleston County

Station West (fka Concrete Products Site), Permit ID# 10-06-10-12, Permit Number SCR10E405, TMS# 421-11-00-059, 162, & 079, WW/WS, SCDHEC# 33365/56075, located off of Folly Road @ Albemarle Road, OCRM (SW)
Charleston AFB Demolition of 115 MFHU'S and Building 235, Permit ID# 10-06-10-19, Permit Number SCR10E467, TMS# 400-00-00-006, located off the Charleston AFB, OCRM (SW)
Boone Hall Creek Drainage Improvements and Wetland Restoration, Permit ID# 10-06-10-20, Permit Number SCR10E469, TMS# 557-00-00-09, located off of Law Lane in Snee Farm C.C., Mount Pleasant, OCRM (SW)
2.6 Acre Borrow Pit, Permit ID# 10-06-10-21, Permit Number SCR10E471, TMS# 409-15-00-005, located on the north side of Three Lakes Road, approximately 1500' from Arco Lane, North Charleston, OCRM (SW)
Zaxby's Restaurant 1908 Sam Rittenburg Blvd., Permit ID# 10-06-10-26, Permit Number SCR10E505, TMS# 351-00-00-051, located at 1908 Sam Rittenburg Boulevard, OCRM (SW)
Wellborn Village, Phase II & III, Permit ID# 10-06-10-28, Permit Number SCR10E515, TMS# 393-00-00-017, WW, SCDHEC# 33425/56101, WS, SCDHEC# 33425/56102, located on the east side of Ladson Road, between Hoot Owl Avenue and Miles Jamison Road, North Charleston, OCRM (SW) (WW/WS)

Dorchester County

Laporte Upholstery, Permit ID# 18-06-10-07, Permit Number SCR10E468, TMS# 181-04-04-008, located off of Francis Street, approximately ½ mile from Dorchester Road, OCRM (SW)

Horry County

Hillside Drive-Lots 4, 12, 13 Block 3 & Lots 1, 9-12 Block 9, Permit ID# 26-06-09-19, Permit Number SCR10E475, TMS#144-14-13-001 & 144-13-13-001, located on Hillside Drive between 11th and 13th Avenue South, North Myrtle Beach, OCRM (SW)
A Tract Development Clearing and Grubbing Only, Permit ID# 26-06-10-07, Permit Number SCR10E453, TMS#151-00-01-052, located off Forestbrook Road, Myrtle Beach, OCRM (SW)
Bank of America Carolina Forest, Permit ID# 26-06-10-08, Permit Number SCR10E488, TMS#162-00-01-160, located at the intersection of Carolina Forest Boulevard & U. S. Highway 501, Myrtle Beach, OCRM (SW)
Withers Place, Permit ID# 26-06-10-10, Permit Number SCR10E520, TMS#181-09-02-025, located on 5th Avenue South near Highway 15, Myrtle Beach, OCRM (SW)

Jasper County

Hampton Pointe, Phase 2B, Permit ID# 27-06-10-08, Permit Number SCR10E487, TMS# 043-00-00-0001, WW/WS, SCDHEC# 33405/56084, located off of SC Highway 141 and US Highway 278, Hardeeville, OCRM (SW) (WW/WS)
Hampton Point, Phase 4A, Permit ID# 27-06-10-08A, Permit Number SCR10E508, TMS# 043-00-00-0001, WW/WS, SCDHEC# 33405/56094, located off of Highway 141 and US Highway 278, Hardeeville, OCRM (SW) (WW)
Hampton Pointe, Phase 2D, Permit ID# 27-06-10-08B, Permit Number SCR10E503, TMS# 043-00-00-0001, WW/WS, SCDHEC# 33405/56087, located off of SC Highway 141 and US Highway 278, Hardeeville, OCRM (SW) (WW/WS)

AGENCIES ABBREVIATION

BCDCOG	Berkeley, Charleston, Dorchester Council of Governments
BCWSA	Berkeley County Water and Sanitation Authority
EQC	Environmental Quality Control (SCDHEC)
DCWSC	Dorchester County Water and Sewer Commission
GCWSD	Georgetown County Water and Sewer District
GSWSA	Grand Strand WSA
LCG	Lowcountry Council of Governments
OCRM	Ocean and Coastal Resource Management
BCB	Budget and Control Board
FBPWD	Folly Beach Public Works Department
GCPW	Goose Creek Public Works
SCDHEC	S. C. Department of Health and Environmental Control
SCDNR	S. C. Department of Natural Resources
SCDOT	S. C. Department of Transportation
SCGO	S. C. Governor's Office
SCPSA	S. C. Public Service Authority
SCPW	Summerville CPW
USAF	U. S. Air Force
USACOE	U. S. Army Corps of Engineers
USDA	U. S. Department of Agriculture
USDE	U. S. Department of Energy
USDHUD	U. S. Department of Housing and Urban Development
USDOT	U. S. Department of Transportation
USFHA	U. S. Farmers Home Administration
USFWS	U. S. Fish and Wildlife Service
USFS	U. S. Forest Service
USICC	U. S. Interstate Commerce Commission
USMC	U. S. Marine Corps
USN	U. S. Navy
WCOG	Waccamaw COG
MPWWSC	Mount Pleasant Water Works and Sewer Commission
MCCPW	Moncks Corner CPW

PERMITS AND OTHER ABBREVIATIONS

404	placement of dredged or fill material in wetlands
AIWW	Atlantic Intracoastal Waterway
AMP	archaeological master plan
A-95	grant review form
AQ	air quality
COG	council of governments
CPW	commissioners of public works
DMP	dock master plan
FC	federal consistency
GR	misc. grant review
LF	landfill
ND	no discharge
NWP	nation wide permit
OTHER	misc. permit, grant, or plan
PER	preliminary engineering report
S/D	subdivision
SCNW	South Carolina Navigable Waters
SW	stormwater
UST	underground storage tank
WMP	wetland master plan
WS	water supply
WSA	water and sewer authority
WW	wastewater
WTP	wastewater treatment plant

SPECIAL NOTES

***DMPs** Dock Master Plans - OCRM is reviewing the listed DMPs for planning purposes only. Permitting decisions will occur when future dock applications are processed by OCRM for individual property owners. This document is used as a planning tool it is not subject to the appeal. OCRM welcomes comments from the public on these planning documents.

****WMPs** Wetland Master Plans – OCRM is reviewing the listed WMPs for planning purposes only. Permitting decisions will occur when future applications are processed by OCRM, which include impacts to freshwater wetlands. This document is used as a planning tool; it is not subject to appeal. OCRM welcomes comments from the public on these planning documents.

*****SWMPs** Stormwater Master Plans – OCRM is reviewing the listed SWMPs for planning purposes only. Permitting decisions will occur when future applications are processed by OCRM. OCRM welcomes comments from the public on these planning documents.

******PERs** Preliminary Engineering Reports – OCRM is reviewing the lists PERs for the purpose of commenting to other sections of DHEC concerning this document. OCRM will not be issuing a coastal zone consistency certification at this time but providing comments. If this proposal moves forward to the permitting process, OCRM would at that time do a full coastal zone consistency review.